# Industry exclusion orders

Sections 132G and 132H of the Planning and Environment Act 1987

Department of Transport and Planning

## The Planning Amendment (Better Decisions Made Faster) Act 2026 (the Reform Act)

The Reform Act amended Part 6 of the Planning and Environment Act 1987 (the PE Act) to enforce the PE Act more effectively.

New offences and enforcement orders have been introduced, along with substantial increases to penalties for breaches of the PE Act, the *Planning and Environment Interim Regulations 2026* (the PE Regulations), or planning schemes.

## What are industry exclusion orders?

Industry exclusion orders are court orders that prohibit a person found guilty of an offence against the PE Act or the PE Regulations from carrying out specific activities for a specified period of time:

- Providing services relating to the commercial development of land specified in the order.
- Being a director, secretary, or officer of a body corporate providing services relating to the commercial development of land specified in the order.

The court can prohibit a person from undertaking one or both of these activities.

## Penalties

The penalties that can be issued to a person who contravenes an industry exclusion order are:

- for a natural person, 1200 penalty units or imprisonment of up to 10 years, or both, and
- for a body corporate, 6000 penalty units.

The definition of 'a person' includes both *a natural person* and *a body corporate*.

## Payment of fines

If an industry exclusion order has been contravened and subsequently prosecuted by a responsible authority, then a fine is payable to the responsible authority.

Fines issued under an industry exclusion order are payable to the prosecuting authority.

## Failure to exercise due diligence is an offence

An officer of a body corporate that fails to prevent an industry exclusion order from being contravened is themselves guilty of an offence.

## Indictable offence

Contravening an industry exclusion order is an indictable offence, meaning it carries a lengthy custodial penalty.

## Who can make industry exclusion orders?

Industry exclusion orders can be made by a court on application of a responsible authority.

## Who can be subject to industry exclusion orders?

Anyone found guilty of an offence against the PE Act or the PE Regulations can be the subject of an industry exclusion order.

## Further information on industry exclusion orders

There are limits on when the court can make an industry exclusion order.

The court can only make an industry exclusion order if it:

- considers the offender to be a systematic or persistent offender, and that opportunities to commit further offences against the PE Act or PE Regulations should be restricted,

- is satisfied the offender should be prevented from providing the services that are the subject of the order,
- is satisfied that a supervisory intervention order is not appropriate, and
- considers it appropriate to do so.

## Industry exclusion orders and other enforcement activities

The court may amend or revoke an industry exclusion order in one of two circumstances:

- on application by a responsible authority, or
- on application of the person in respect of whom the order is made.

In the case of the latter, the court may only amend or revoke the order if it is satisfied that a change of circumstances warrants the amendment or revocation.